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LITIGATION

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TO: Examiner Casimer J. Jacyna

OF: United States Patent and Trademark Office

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FROM: H.T. Than

Re: Response to Election of Species Requirement
Application No.: 10/725,244
Filed: December 1, 2003
Our Ref. No.: BIC-027

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10725.244	
	Filing Date	December 1, 2003	
	First Named Inventor	Paul ADAMS	
	Art Unit	3751	
	Examiner Name	Cesimer J. Jacyna	
Total Number of Pages in This Submission	2	Attorney Docket Number	BIC-027

ENCLOSURES (Check all that apply)		
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Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	The H.T. Than Law Group	
Signature	<i>Jennifer R. Mahalingappa</i>	
Printed name	Jennifer R. Mahalingappa	
Date	June 2, 2005	Reg. No. 47,765

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplication of: Paul ADAMS *et al.*

Group Art Unit: 3751

Application No.: 10/725,244

Examiner: Casimer J. Jacyna

Filed: December 1, 2003

Attorney Docket No.: BIC-027

For: Fuel Cell Supply Having Fuel Compatible Materials

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement mailed on May 3, 2005, Applicants elect Species 2, the embodiment with a septum and ball valve including at least claims 1-5, 8-43, and 46-56. This election is without traverse.

The Examiner has designated claim 1 as generic to all of the claims. Applicants assert that claims 2-5, 10-43, and 48-56 are also generic to the species identified by the Examiner, as either the septum and ball valve of Species 2 or the plunger valve of non-elected Species 1 is included within the scope of these claims. Further, Applicants respectfully reserve the right to have claims 6, 7, 44 and 45, which are readable on the non-elected species, considered in this application should any of the generic claims from which they depend be allowed.

In light of the preceding, Applicants believe that the application is now in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if he believes that such a call would materially advance the prosecution and eventual allowance of the present application.

Applicants believe that no fees are due in connection with the submission of this Response. If any fee is due, the Commissioner may charge appropriate fees to H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

Date June 2, 2005

Jennifer R. Mahalingam, Reg. No. 47,765
H.T. Than, Reg. No. 38,632 *for H.T. Than*

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